

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

John B. Starling,

Plaintiff,

V.

**United States of America, Federal Bureau of Prisons,
John Doe Nelson, Victor Loranth, Julia E. Burrios,
J. Thomas, and L. Burrios,**

Defendants.

C.A. # 8:08-888-PMD

ORDER

On February 19, 2009, this court issued an Order adopting the Magistrate Judge's Report and Recommendation and granted defendants' motion to dismiss or alternatively motion for summary judgment and denied plaintiff's motion for preliminary injunction. On February 20, 2009, judgment was entered in this case by the Clerk of Court. On February 23, 2009, plaintiff filed his objections to the Magistrate Judge's Report and Recommendation. It appears from a review of the file and plaintiff's objections that said objections were timely, as they were due on February 17, 2009, and pursuant to plaintiff's certificate of service were delivered to the legal mail office at FCI Jessup on February 17, 2009. However, the objections were not received in the Clerk of Court's office until February 23, 2009. Now therefore,

IT IS HEREWITH ORDERED that this court's Order filed on February 19, 2009, granting defendants' motion to dismiss or alternatively for summary judgment and the judgment filed on February 20, 2009 are herewith vacated, and this matter is herewith reinstated for consideration of plaintiff's objections.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

February 26, 2009
Charleston, South Carolina